

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

\$30,820 in United States Currency,

Defendant.

Civil Action No. 5:19-CV-0409 (NAM/ATB)

VERIFIED COMPLAINT FOR FORFEITURE *IN REM*

The United States of America brings this verified complaint for forfeiture *in rem* against the above-captioned assets (the “defendant currency”) and alleges as follows:

NATURE OF THE ACTION

This is an action *in rem* brought pursuant to 21 U.S.C. § 881(a)(6) and Rule G of the Supplemental Rules for Certain Admiralty or Maritime Claims and Asset Forfeiture Actions. Forfeiture is sought of the defendant currency as money furnished or intended to be furnished in exchange for a controlled substance, proceeds traceable to such an exchange, or money used or intended to be used to facilitate a violation of 21 U.S.C. § 841, 846.

THE PARTIES

- 1) Plaintiff is the United States of America.
- 2) The defendant currency is \$30,820, which is in the custody of the United States.

JURISDICTION AND VENUE

- 3) This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1345 and 1355.
- 4) This Court has *in rem* jurisdiction over the defendant currency pursuant to 28 U.S.C. § 1355(b).

5) Venue is proper in this district pursuant to 28 U.S.C. §§ 1355 and 1395.

FACTS

6) In 2008, Antwan Reed (“Reed”) pled guilty to possession with intent to distribute cocaine base and possession of a firearm by a convicted felon in the Northern District of New York (United States v. Antwan D. Reed, 07-CR-487 (NAM)).

7) On October 24, 2008, Reed was sentenced to 130 months in prison followed by five (5) years of supervised release.

8) On April 20, 2015, Reed commenced his term of supervised release.

9) Since the start of his supervised release, Reed has repeatedly reported that he maintains his permanent residence at 229 N. Monticello Drive in the City of Syracuse, with his mother and stepfather.

10) Through an investigation, U.S. Probation and Pretrial Services System (“Probation”) confirmed that Reed has maintained an unreported address at 7272 Henry Clay Boulevard, Apartment 108, Liverpool NY 13088 during a portion of his term of supervised release.

11) Reed’s girlfriend, Akilah A. Copeland (“Copeland”), leased Apartment 108 at 7272 Henry Clay Boulevard, Liverpool NY 13088 beginning in early 2018.

12) Reed never notified Probation that his address had changed.

13) On August 14, 2018, Probation seized and searched Reed’s cell phone, which revealed documents and receipts indicating that he has rented vehicles without notifying Probation, violating the terms of his supervised release.

14) A search of Reed’s cell phone also revealed documents and photos indicating that he has left the Northern District of New York without Probation’s approval at least five (5) times, violating the terms of his supervised release.

15) On September 20, 2018, United States Probation Officers, Task Force Officers (“TFO”), agents from the Drug Enforcement Administration (“DEA”), and Deputy United States Marshals (“USMS”) went to Reed’s residence at 7272 Henry Clay Boulevard, Apartment 108, Liverpool NY 13088.

16) At approximately 9:45 a.m., Reed was detained as he exited the apartment.

17) Officers searched Reed and found in his pants pocked a knotted baggie containing 3.5 grams of cocaine and a key to the door of the apartment.

18) Upon entering the apartment, agents located Copeland and conducted a search of the apartment.

19) In the master bedroom dresser drawer, agents located the defendant currency, which was folded and bound together with rubber bands, a knotted plastic baggie containing Oxycodone, Reed’s undergarments, prescription bottles in Reed’s name, and personal documents containing Reed’s name.

20) The denominations and manner in which the defendant currency was found is consistent with narcotics trafficking,

21) In the master bedroom closet, agents located a CR black digital scale and a freezer bag containing cocaine residue.

22) In the closet of the second bedroom, agents located a Ziploc bag containing a cutting agent for cocaine.

23) Reed was arrested at the scene and currently remains incarcerated for multiple violations of supervised release.

24) Copeland was questioned by Probation officers regarding ownership of the apartment, the keys that were found on Reed, and how long Reed had been living in the apartment.

25) During the questioning by Probation officers, Copeland made no mention of any claim to the defendant currency.

CONCLUSION

WHEREFORE, the United States of America requests:

26) That a Warrant for Arrest *In Rem*, in the form submitted with this Complaint, be issued to the United States Marshal of the Northern District of New York or any subcontractor thereof and/or to any duly authorized law enforcement officer;

27) That the Court direct any and all persons having any claim to the defendant currency to file and serve their Verified Claims and Answers as required by 18 U.S.C. § 983(a)(4) and Rule G of the Supplemental Rules, or suffer default thereof;

28) That a judgment be entered declaring the defendant currency to be forfeited and condemned to the use and benefit of the United States of America; and

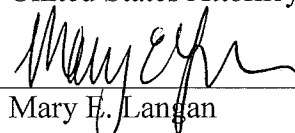
29) That Plaintiff be awarded its costs and disbursements in this action and such other and further relief as this Court deems proper and just.

Dated: April 4, 2019

Respectfully Submitted,

GRANT C. JAQUITH
United States Attorney

By:



Mary H. Langan
Assistant United States Attorney
Bar Roll No. 518971

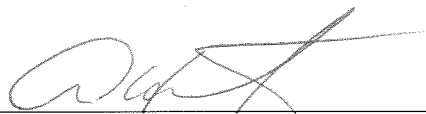
VERIFICATION

STATE OF NEW YORK)
) ss:
COUNTY OF ONONDAGA)

Anthony Hart, being duly sworn, deposes and states:


I am a Special Agent with the Drug Enforcement Administration. I have read the foregoing Complaint for Forfeiture and assert that the facts contained therein are true to the best of my knowledge and belief, based upon knowledge possessed by me and/or on information received from other law enforcement officers

Dated this 4th day of April, 2019.



Anthony Hart, Special Agent |
Drug Enforcement Administration |

Sworn to and subscribed before me this 4th day of April, 2019.



Notary Public

PATRICIA V WHITE
NOTARY PUBLIC-STATE OF NEW YORK
No. 01WH6365688
Qualified in Onondaga County
My Commission Expires 10-10-2021

CIVIL COVER SHEET

Case No. 5:19-CV-0409

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

UNITED STATES OF AMERICA

(b) County of Residence of First Listed Plaintiff Onondaga
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)
Mary E. Langan, Assistant U.S. Attorney (315) 448-0650
United States Attorney's Office, 100 South Clinton Street
Syracuse, New York 13261

DEFENDANTS

\$30,820.00 in U.S. Currency

County of Residence of First Listed Defendant Onondaga
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION

(Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|--|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated <i>or</i> Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated <i>and</i> Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT

(Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input checked="" type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition			

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

21 USC 881

Brief description of cause:

VII. REQUESTED IN COMPLAINT:☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND:

☐ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

Hon. Norman A. Mordue

DOCKET NUMBER

07-CR-00487

DATE

SIGNATURE OF ATTORNEY OF RECORD

04/04/2018

s/Mary E. Langan

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